

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: PROCESSED EGG PRODUCTS :  
ANTITRUST LITIGATION :  
: MDL No. 2002  
: 08-md-02002**

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**THIS DOCUMENT APPLIES TO: :  
ALL INDIRECT PURCHASER :  
PLAINTIFF ACTIONS :  
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**ORDER**

AND NOW, this 19th day of March, 2012, upon consideration of the Defendants' Motion to Dismiss the Indirect Purchaser Plaintiffs' Second Amended Consolidated Class Action Complaint (Docket No. 332), and the Indirect Purchaser Plaintiffs' response (Doc. No. 355), the Defendants' reply (Doc. No. 385), and the parties' supplemental filings thereto, and for the reasons stated in the accompanying Opinion, it is hereby ORDERED that the Motion (Doc. No. 332) is GRANTED in part and DENIED in part consistent with the terms of the Court's Opinion.<sup>1</sup>

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<sup>1</sup> To wit, the Court dismisses the Utah Antitrust Act claim with respect to alleged damages occurring prior to May 1, 2006 contained in Count XXII.

The Court dismisses without prejudice: (1) the federal and state antitrust claims with respect to alleged injuries relating to purchases of manufactured products incorporating processed eggs contained in Counts I, II, III, IV, VI, VII, X, XI, XII, XIII, XIV, XV, XVI, XVII, XVIII, XX, XXII, XXIII, XXIV, and XXV; (2) the Kansas Consumer Protection Act claim contained in Count VII; (3) the General Business Law § 349 of the New York Consumer Protection Statute claim contained in Count XVI; (4) the West Virginia Consumer Credit and Protection Act claim contained in Count XXIV; and (5) the North Dakota unjust enrichment claim contained in Count XVIII.

(continued...)

BY THE COURT:

S/Gene E.K. Pratter  
GENE E.K. PRATTER  
United States District Judge

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<sup>1</sup>(...continued)

Additionally, pursuant to the Indirect Purchaser Plaintiffs' withdrawal of certain claims at oral argument, the following claims are dismissed: (1) all claims brought under Maine law contained in Count VIII; (2) all claims brought under Puerto Rico law contained in Count XIX; (3) the claim brought under Mich. Comp. Laws Ann. §§ 445.901, *et seq.* contained in Count X; (4) the claim brought under S.D. Codified Laws Ann. §37-24, *et seq.* contained in Count XX; and (5) the claim brought under Wis. Stat. §§ 100.18, *et seq.* contained in Count XXV.

Insofar that the Court grants in part the Motion without prejudice, Plaintiffs may seek leave to amend their complaint upon the appropriate motion, or stipulation, provided that they do so promptly.